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COPY OF PAPERS ORIGINALLY FILED ATTY. DOCKET NO. 188051 APPLICATION NO. 09/988,462 APPLICANT

APPLICANT KOZIEL et al FILING DATE: November 20, 2001 Confirmation No.

8906 Group 1638

Sheet 1 of 1

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
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		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO		
Sar	В	0 290 395	9/11/88	EP					
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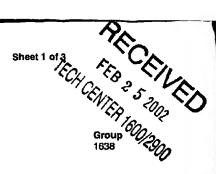
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ATTY. DOCKET NO. S-18805I APPLICATION NO. 09/988,462 APPLICANT KOZIEL ET AL. FILING DATE November 20, 2001



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- (AB	6,121,014	9/19/00	Koziel et al.	435	69.1	6/2/95	
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1	AL	0 431829	6/1/89	EP				
	AM	0 348348	12/1/89	EP				
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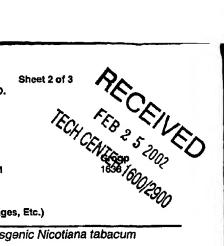
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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1104628-0016	Seral No. 09/988,462
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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. Serial No. 1104628-0016 09/988,462				
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		Filing Date: November 20, 2001	Group: 1638			

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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1104628-0016	Serial No. 09/988,462		
INFORM	MATION DISCLOSURE STATEMENT BY APPLICANT	Applicants: Koziel et al.			
		Filing Date: November 20, 2001	Group: 1638		

UNITED STATES PATENT DOCUMENTS

*Examiner Initial	Document No.								Date	Name	Class	Sub- Class	Filing Date, if Appropriate
Em		6	4	0	3	8	6	5	06/11/2002	Koziel et al.			
Em		6	3	2	0	1	0	0	11/20/2001	Koziel et al.			
gan		6	3	3	1_	6	6	5	12/18/01	Lundquist et al.			
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FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

ran	Kim et al., A 20 uncleotide upstream element is essential for the nopaline synthase (nos) promoter activity (1994) Plant Mol. Biol. 24(1):105-117.
Em	Harper et al., Calcium and lipid regulation of an Arabidopsis protein kinase expressed in Escherichia coli (1993) Biochemistry 32(13): 3282-3290.
Em	Murray et al., Analysis of unstable RNA transcripts of insecticidal crystal protein genes of Bacillus thuringiensis in transgenic plants and electroporated protoplasts (1991) Plant Mol. Biol. 16:1035-1050.
	Duplicates liked through

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INFORM	IATION DISCLOSURE STATEMENT BY APPLICANT	Applicants: Koziel et al.				
		Filing Date: November 20, 2001	Group: 1638			

UNITED STATES PUBLISHED PATENT APPLICATIONS

*Examiner Initial					Date	Name	Class	Sub- Class	Filing Date, if Appropriate							
Em	2	0	0	1	0	0	0	3	8	4	9	6/14/01	Barton et al.	800	279	4/17/98

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	9m	Published opinion - Monsanto v. Mycogen Plant Science, Inc., 261 F.3d 1356 (Fed. Cir. 2001)
		Published opinion - Monsanto v. Mycogen Plant Science, Inc., 61 F. Supp. 2d 133 (D. Del. 1999)
<u>, </u>		Trial Testimony - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 120-
100/20-1		Trial Testimony of Kenneth Barton - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 1047-1066
	-	Trial Testimony of Michael Miller-Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 1097-1110
		Trial Testimony of Sandra Cannon - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 1110-1125
to dates		Trial Testimony - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 2207-2228 and 2689 - 2701-
90		30(b)(6) Statement made by Monsanto concerning the Barton and Miller work, read into the record at the trial of Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 1307-1312
? }_		Excerpts from Michael J. Miller notebook 366
§ <u> </u>		Execrpts from Ken Barton notebook 156
}	_	Excerpts from Sandra Cannon notebook 323
		Excerpts from Sandra Cannon notebook 316
\		Excerpts from Sandra Cannon notebook 413
		Excerpts from Michael Miller notebook 404
	<u> </u>	Improved Expression of Genes in Plants
	IM	Agracetus Research and Development Report: Third Quarter, 1988
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Documents considered. DO NOT PRINT

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE Atty. Docket No. Serial No. (REV. 2-82) PATENT AND TRADEMARK OFFICE 1104628-0016 09/988,462 Applicants: INFORMATION DISCLOSURE STATEMENT Koziel et al. BY APPLICANT Filing Date: Group: November 20, 2001 1638

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

 -	<i>a.</i>		Trial Testimony of Charles Armstrong - Novartis Seeds, Inc. v. Monsanto Co. & DeKalb Genetics
5	54	^	<u>Corp., Civil Action No. 97-39&40 (RRM), pp. 1237-1300.</u>
PRINT			Defendants Trial Exhibit 2081, Fromm et al., Biotechnology, September 1990, pp. 833-839.
7		1	Defendants Trial Exhibit 2286, Barnason et al., Abstract entitled "Production of Transgenic Corn
20 4	ļ <u>.</u>		Plants Resistant to the European Corn Borer.
Lo dates		1	Defendants Trial Exhibit 2154A, Excerpt from Notebook entitled "Particle gun expt. Gun 27->"
00		_	referring to gun experiment number 147.
्र२			Plaintiff's Trial Exhibit 510, Armstrong Notebook monthly reports pasted into notebook in 1993.
casidered			Trial Testimony of Frederick Perlak - Novartis Seeds, Inc. v. Monsanto Co. & DeKall Generics Corp., Civil Action No. 97-39&40 (RRM), pp. 1312-1356.
\$			Defendants' Trial Exhibit 1895-A, Excerpts of Monsanto Notebook, dated 12/12/86.
3			Defendants' Trial Exhibit Nos. 1725, Perlak Notebook No. 3,706,601, dated March 13, 1987
١٩١			Defendants' Trial Exhibit 1725-A, Excerpt of Perlak Notebook No. 3,706,601, September 8, 1987
4			Defendants' Trial Exhibit 1730, Perlak Notebook 3,850,001, dated November 20, 1987
Ke			Defendants' Trial Exhibit 1227, Perlak et al., Biotechnology, October 1990, pp. 939-943.
have			Defendants' Trial Exhibit 1969, Perlak et al., Proc. Natl. Acad. Sci. USA, April 1991, pp. 3324-3328.
like though 6			Defendants' Trial Exhibit 1024, Koziel et al., reprint from Biotechnology, February 1993, pp. 194-200.
ष्ट			Defendants' Trial Exhibit 2549, DNA sequence.
7	Į		Defendants' Trial Exhibit 2550, "Modified Bt Gene Designed By Monsanto".
4	5.0		Plaintiff's Trial Exhibit 1672, U.S. Patent 5,763,241, dated June 9, 1998.
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5	FORM P		Atty. Docket No. 1104628-0016	Serial No. 09/988,462											
PRI	`	INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Applicants: Koziel et al. Filing Date: Group: November 20, 2001 1638												
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- DONOTPRINT	2	OTHER DOCUMENTS (including Author, Title, I	Date, Pertinent Pages, Etc	c.)											
	Kalh Genetics														
2		Defendants' Trial Exhibit 1959, Fischhoff et al., Biotech													
હ		Defendants' Trial Exhibit 1895, Fischhoff Notebook 3,547,801, dated August 18, 1986.													
7		Defendants' Trial Exhibit 1978, Fischhoff Notebook 3,8		r 2, 1987.											
3		Defendants' Trial Exhibit 1907, Duff Notebook 4,077,60													
have been cassidered		Defendants' Trial Exhibit 2546, Agreement - Development of Insect Resistant Plants, dated May 1988.													
7		Defendants' Trial Exhibit 1964-A, DNA Sequence.													
bin	·	Defendants' Trial Exhibit 2551, Monsanto activities 1986-1991.													
tho		Plaintiff's Exhibit 665, Defendant's Exhibit 2110, Document 1988	ment re Insect Resistanc	e, dated August 23,											
lined through	Em	Plaintiff's Exhibit 666, Defendant's Exhibit 2111, Document 1988	ment re Insect Resistanc	e, dated October 24,											
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FORM PTO-1449 (REV. 2-82) INFORM	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE ATION DISCLOSURE STATEMENT	Atty. Docket No. 1104628-0016 Applicants:	1104628-0016 09/988,462 Applicants:				
	BY APPLICANT	Koziel et al.					
		Filing Date:	Group:				
		November 20, 2001	1638				

Ī		OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
No Jates	2m	Trial Testimony of Irv Mettler- Novartis v. Monsanto, Civil Action No. 97-39 & 97-40, pp. 2299-2336
` `		Trial Testimony of Irv Mettler Novartis v. Monsanto, Civil Action No. 97-39 & 97-40, pp. 2337-2354
PRIM		Trial Testimony of Irv Mettler-Plant Genetics Systems v. Northrup King, Civil Action No. 96-459, pp. 850-957
at .		Trial Testimony of Ed Resler - Novartis v. Monsanto, Civil Action No. 97-39 & 97-40, pp. 733-741
NOT		Trial Testimony of Stephen Evola - Novartis v. Monsanto, Civil Action No. 97-39 & 97-40, pp. 399-526
001		Trial Testimony of Stephen Evola - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 827-891
3		Trial Testimony of Thomas Klevorn - Monsanto v. Mycogen & Ciha Geigy, Civil Action No. 96-133 (RRM), pp. 262-264
Castdered		-Trial Testimony of David Fischhoff - Monsanto v. Mycogen & Ciba Geigy, Civil Action No. 96-133 (RRM), pp. 1953-1955
.4		Agreement between Monsanto Company and Sandoz for Development of Insect Resistant Corn
-		Excerpts from Palo Alto Plant Biotechnology Report: First Quarter, 1989 (DX 2665)
beca		ZRB Project Meeting (DX 2281)
		Modification of the Research Agreement Between Monsanto Company Sandoz. (DX 2269)
Y		PAB-6 Technical Report (DX 2266)
have		PAB-10 Bt Insect Resistance (DX 2284)
		DNA Samples and expressions cassettes for expression of B.T. toxin protein and PAT
3		Samples of Northrup NK-A and NK-B to be used in backcrosses.
though		Shipment of 10 best frozen leaf tissue from each experiment for crossing to NK-A and NK-B lines.
7		Report on Maize transformation experiments with Sandoz plasmids 1502 and 1503.
(معرا)		Letter from G. Donn to Irvin Mettler regarding shipment of leaf samples
		Plants from transformants Nr. 1502-1, 1503-2, 1502-11 and 1503-3, 1503-7 will follow soon (DX 2286)
*		Letter from Gunter Donn to Irvin Mettler regarding shipment of leaf samples (DX 2285)
ocuvets	Em	Facsimile from Irvin Mettler to Ron Meeusen referencing facsimile from Mettler to Donn regarding ELISA assays (PX278)
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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1104628-0016	Serial No. 09/988,462			
INFORM	MATION DISCLOSURE STATEMENT BY APPLICANT	Applicants: Koziel et al.	Applicants:			
		Filing Date: November 20, 2001	Group: 1638			

9 cm	Stanton Biotechnology - October Highlights (PX194)
	Facsimile from Irvin Mettler to Gunter Donn regarding ELISA assays and the collection of
	additional plant organ samples (PX195)
	Northrup King Biotechnology Report (DX 2256)
	Minutes of the Bt (MDMV) Corn Planning Meeting, Stanton, Minnesota
	Biologische Forschung, Bereich C, H 872 N
	PAB-10 Bt Insect Resistance Fourth Quarter Report (DX 2288)
	Fourth Quarter Report of Plant Biotechnology
	Gover letter from G. Donn to I. Mettler with enclosures lyophilized leaf samples from 1502 plants. (PX281)
	Faesimile from Gunter Donn to Ron Meeusen regarding field testing (PX640)
	Facsimile from Irving Mettler to Gunter Donn regarding ELISA assays (PX282)
	-Facsimile from G. Donn to L. Murry re western analysis
	Facsimile from G. Donn to R. Meeusen re: the shipment of maize seeds to the APHIS-inspection station.
	Facsimile from G. Donn to R. Meeusen re: shipment of seeds sent
	Plant Biotechnology Report: Third Quarter, 1992
	Transgenic Project #1 (DX 2255)
	B.T. Corn NK 1996 Product (PX382)
	Summary of bioactivity assays of contransformed BMS calli (conducted July 11 & August 1, 1990) Insect assay with 1str instar Manduca sexta larvae (0 to 6 hours old), five per plate. Assays conducted and scored by D. Cerf. (DX 2282)
Elly	Research Highlights - Novel Genetics (PX20)

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Page 1 of 1

FORM PTO-144	9
FORM PTO-1/44 (REV., 2-82)	

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Atty. Docket No. 1104628-0016	Serial No. 09/988,462				
Applicants: Koziel et al.					
Filing Date:	Group:				

UNITED STATES PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

*Examiner Initial	Document No.).		Date	Country	Class	Sub-Class	Translation Yes No	
EM	3	6	5	6	8	8	9	21 Dec 1989	Australia				
gan	4	6	8	8	1	8	9	21 Jun 1988	Australia				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

EM	Motion of Defendant Dow Agrosciences LLC, Mycogen Plant Science, Inc. and Agrigenetics, Inc. For Leave to Amend Its Answer
9m	Motion for Leave to File Second Amended Answer and Counterclaims, by Defendants Monsanto Company and DeKalb Genetics Corp.
EM	Pioneer Hi-Bred International, Inc.'s Motion to Further Amend Its Answer, Affirmative Defenses and Counterclaims
	Documents considered - DO NOT PRINT No dates

Examiner: E7MEL Date Considered: 11/5/03

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